

DOCKET NO. 3:05-cv-00401-FDW

Defendant.

ORDER

This case predates the Standing Order Governing Civil Case Management Before the Honorable Frank D. Whitney, 3:07-mc-47 (Doc. No. 2). As such, that Order’s word limits do not apply to any filings in this case. However, the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina are applicable.¹ Local Rule of Civil Procedure 7.1(D) clearly states that in the absence of a governing Standing Order, “the page limit for any brief is 25 pages, the font size is a minimum of 12 point, lines are double spaced, margins

¹See In the Matter of Rules of Practice and Procedure in this Court, 3:07-mc-165 (stating that as of 12:01 AM on January 1, 2008, the local rules shall apply to “all pending cases”).


are one inch, and each page is numbered.”

Plaintiff’s Response to Defendant’s Motion for Summary Judgment is fifty-six (56) pages long. Plaintiff’s Response is clearly in violation of Local Rule 7.1(D). In addition, it is clear from Plaintiff’s Response that her “Proposed Findings of Uncontroverted Facts” are intended to be read in conjunction with the Response. (Pl.’s Resp., Doc. No. 85, at 2 (“In addition, Plaintiff files herewith separate document titled Plaintiff’s Proposed Findings of Uncontroverted Facts.”)) Doing so would bring the collective length of Plaintiff’s Response to sixty-four (64) pages. Despite Plaintiff’s status as a pro se litigant, it is the considered opinion of the Court that allowing Plaintiff to file a response that is well over twice the allowable page limit would provide Plaintiff with an unfair advantage.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s “Proposed Findings of Uncontroverted Facts,” (Doc. No. 84) and “Response to Defendant’s Motion for Summary Judgment” (Doc. No. 85) be STRICKEN. Plaintiff shall have seven (7) calendar days from the date of this Order, and no later than **May 28, 2008**, within which to file **one brief of twenty-five (25) pages or less**, along with the other requirements of Local Rule 7.1(D). Out of concern that the rules apply equally to both litigants, the Court notes that Defendant’s “Memorandum of Law in Support of Motion for Summary Judgment” (Doc. No. 70) is also noncompliant at twenty-seven (27) pages. Because the last two pages of Defendant’s Memorandum are easily severable, those pages are hereby STRICKEN, and the Court shall not consider them in ruling upon Defendant’s Motion.

IT IS SO ORDERED.

Signed: May 20, 2008



Frank D. Whitney
United States District Judge

